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November 1, 2022

Re: *JPMorgan Chase Bank, National Association, London Branch v. Tesla, Inc.*,
Case No. 1:21-cv-9441 (PGG) (OTW)

Hon. Ona T. Wang
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Dear Judge Wang:

On behalf of Plaintiff JPMorgan Chase Bank, National Association, London Branch (“JPMorgan”) in the above-captioned action, we write to request that the Court supplement the Order issued October 18, 2022 (Hr’g Tr. 40:12-42:13), memorialized on October 19, 2022 (ECF No. 58), to impose a deadline by which Defendant Tesla, Inc. (“Tesla”) must produce the ordered cloned discovery and require Tesla to produce the original letters that accompanied the productions in the securities litigation and the SEC investigation, along with any other information necessary to determine whether Tesla is in full compliance of the Order.

We respectfully request that the Court order Tesla to complete its production of the cloned discovery by Friday, November 4, 2022. Two weeks have passed since the Court ordered the cloned discovery, which by definition has already been produced in other matters, and since that date Tesla has produced fewer than 6,200 documents, which we believe to be only a fraction of the ordered discovery. This is consistent with Tesla’s discovery deficiencies in this matter. JPMorgan issued its first set of requests for production in December of 2021. Before Tesla’s most recent production of the first installments of cloned discovery, Tesla had only produced approximately 1,300 documents. While JPMorgan hoped that the Court’s ruling would accelerate Tesla’s pace of production and bring this case back on track, counsel for Tesla has declined to provide a date certain by which it will complete its production. The current discovery schedule calls for substantial completion of document discovery by December 16, 2022, and imposes a fact discovery deadline of March 24, 2023. The cloned discovery is not the only document discovery outstanding, and JPMorgan will need to review the document discovery before it can depose Tesla’s witnesses. In order to stay on track, the cloned discovery (which already exists in production format) needs to be produced promptly.

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In addition, we respectfully request that the Court order Tesla to provide the original production cover letters and other such materials sufficient to identify all of the document productions and transcripts that were produced in the SEC investigation and private securities litigation so that JPMorgan can determine whether Tesla has complied with the Court's order. To date, Tesla has refused to provide JPMorgan with any information regarding the scope of the cloned discovery. As a result, JPMorgan is unable to determine the completeness of Tesla's productions.

We have attached as Exhibit A a proposed supplemental order addressing these two issues. We respectfully request that the Court enter that order.

Respectfully submitted,

/s/ Lawrence Portnoy

Lawrence Portnoy

cc: All counsel of record (via ECF)